

Joseph Marion Head, Jr.  
FMC Devens  
Reg. #17549-056  
P.O. Box 879  
Ayer, MA 01432

-----  
United States Federal Judge, Tauro

Motion Is Heretofore made To You  
To order and allow the complaints  
herewith to be filed in This Court  
In Forma Pauperis Or Otherwise  
as allowed or Decided By You.  
Timely Each Month as the Court  
of Appeals did on my appeals of  
Case No. 05-1048-1049-1050  
1st Cir. Ct App.

I cannot pay filing fee etc. cost  
See all prison and court records  
relating to me for the past 31 years.  
Joseph Marion Head Junior 6-13-05

OFFICE OF THE CLERK

**UNITED STATES COURT OF APPEALS**

FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN  
CLERK

One Courthouse Way  
Suite 2500  
Boston, MA 02210  
617-748-9057

June 10, 2005

Joseph Marion Head, Jr.  
FMC Devens  
Reg. No. 17549-056  
PO Box 879  
Ayer, MA 01432

Dear Mr. Head:

Enclosed please find pleadings that was mistakenly filed in the United States Court of Appeals for the First Circuit on June 10, 2005.

A review of the cases before this court reflect that there are no open cases that bear your name or the case numbers you noted in your pleadings. The pleadings are, therefore, returned to you with this letter without any action taken since they reflect the heading of another court.

Sincerely,

By: *Danna Bauchard*  
Appellate Liaison

DB/file

In The United States District Court  
For The Ma. Boston District of Massachusetts

Joseph Marion Head for.  
Plaintiff

Reg. No. 1954905-6

VS

United States of America  
And State of North Carolina

Defendants

Case No. \_\_\_\_\_

### Complaint

This is a civil rights act suit for damages  
for unlawful, conviction, sentence.

### Jurisdiction

The court has legal jurisdiction herein  
pursuant to the provisions of law  
and constitution which applies hereto.  
To include 42 U.S.C. 1981, 1983, 1984, 1985(3)  
1986 - 28 U.S.C. 1331, 1341, 1342, 1343, 2201  
, 2202, Federal Rules of Civil Procedure R. 57.

### Plaintiff

Plaintiff herein is, Joseph Marion  
Reg. No. 19549056, who  
Prisoner, housed in th

## Complaint Page No. 2

cell 524 Located at, Post office Box 879  
Ayer - Massachusetts 01437  
 Plaintiff is in the custody of the Warden of  
 of the aforesaid F.M.C. Devens  
 who is, David R. Winn - Warden.  
 Also in the custody of the United States  
 Attorney General.

## Defendants

Defendants herein are as related below,

(1) United States of America, Title, See U.S. Attorney General  
 Address, United States Department of Justice  
Washington D.C. 20530

(2) State of North Carolina, Title, See N.C. Att. Gen.  
 Address, North Carolina Department of  
Justice, Raleigh, North Carolina 27602

Plaintiff herein is proceeding pro se  
 without the legal assistance of a  
 person trained in law and plaintiff  
 is a laymen at law and has had no  
 professional training in law and  
 plaintiff therefore respectfully moves  
 the court for a liberal construction  
 on and as to, all pleadings, claims, etc  
 herein and relating hereto.

That it is well settled that pro se  
 litigants generally are entitled  
 a liberal construction of  
 which should be read +  
 Strongest argument



## Complaint Page No. (3)

Green (v) United States, 260 F. 3d. 78, 83, (2d. cir. 2001), Haines (v) Kerner, 404, U.S.C. 519, 520-21 (1972 per curiam)

Plaintiffs rights to counsel, etc. legal assistance, 18 U.S.C. 30006 A and sub sec's thereof. U.S. Const. Amend. Six and Fourteen. Plaintiff states that he dose not waive this right to counsel, etc..

That the United States Court of Appeals For The Fourth Circuit Prior, Adjudges, that indigent laymen, proceeding pro se, are not required to prove their asserted claims in advance of a full in court evidentiary hearing.

The background of Plaintiff and his State and Federal court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to plaintiff, prior and present. Plaintiff dose not him self have a copy of said records, therefore cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating. To include all opinions, judgments and orders of the courts, etc.

## Complaint Page No. (4)

Grounds Asserted Herein By Plaintiff  
Pro Se Without Legal Assistance of a  
Person Professionally Trained in Law.

## Ground No. (1)

The Convictions Obtained in Case No.  
74CR2403-74CR2403A, Was Obtained in  
violation of the Laws or Constitution  
of the United States or of the State  
of North Carolina in the Ways  
Related herein below and for the  
reasons stated herein below.

(1)

As Prior Asserted Within The Prison  
and Court Records relating to Plaintiff  
and his State and federal court cases

(2)

The reasons of the trial jurors for their  
verdicts of guilty was not stated  
and proven to be legal and valid nor  
was the sentence legal and valid.

(3)

Failure of The Government Attorneys to Assert  
Violations of Laws, Constitutions, Based on  
Violations of Head's Rights, Etc., Violated  
Head's Rights, Etc., Mens Rea,

(4)

Plaintiff did not consent to the mistrial nor  
to the Discharge of the chosen jury. Did the  
Prosecutor Object to and did not timely move for  
mistrial nor for legal co  
reprosecute the mis



## Complaint Page No. (5)

## Ground No. (2)

The federal sentences of plaintiff is illegal in that they was enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based on said unlawful prior convictions. See Title 21 U.S.C. 851.

## Ground No. (3)

The federal sentences is illegal because they are not based on a legal and valid conviction and indictment. See all asserted and related within Head's prisons and court records to include on prison cop outs, B.P.-8, 9 etc. of Head's and Tort claims, V.A.

## Ground No. (4)

The U.S. Attorney failed to prove the prior convictions etc. legal and valid, and final prior to using same to Head's prejudice in Federal Courts. See Title 21 U.S.C. 851 and sub sec's.

## Ground No. (5)

Defense Counsel was ineffective for failing to timely asserting all the aforesaid herein to the District Court and an appeal. Strickland v Washington 1984.

## Complaint Page No. (6.)

Relief Demanded By Plaintiff Pro Se

- 1- Leave To Proceed In Forma Pauperis
- 2- Appointment of Counsel Hereto.
- 3- Incourt Evidentary Hearing With The Plaintiff Present For Same.
- 4- Subpoena's Issue To The Below Persons
  - (1) Name, Each Person Involved In State Case Address State cases Herein - See Court Records
  - (2) Name all persons involved in fed case Address Federal cases herein
  - (3) Name, All prison staff involved, Address, in Heard's cases etc.
- 5- Grant And Order To Plaintiff, The Maximum Relief And Money, Authorized By Law, Constitution, Relating Hereto.

Signed Joseph Marion Heard Junior Reg. No. 17549-056  
Address, N-5 Cell 524 Fed. Med. Center Devens  
Post office Box 879 - Ayer - Ma.

## Certification of Service

I Joseph Marion Heard Junior Reg. No. 17549-056  
States that on the 7 day of June 2005  
I sent to the Court, - U.S. D.C.  
located at Boston Massachusetts 02210  
The Original and (0) copies  
of the foregoing complaint and also



Complaint Page No. (7)

a copy of said complaint to the  
Attorney General of the United States  
address. Court must make and send the  
copies.

and to,

Signed Joseph Marion Head Jr. Reg. No. 17549-056  
On this the 7 day of June 2005

*U.S. Ct. Ref. to Dist. Ct. Order the District Court  
To File Process, Etc. This Complaint herewith, in  
Forma Pauperis. See All Known Records To Head,*

IN FORMA PAUPERIS DECLARATION  
*United States District Court, Boston Massachusetts*

[Insert appropriate court] *A. 11:40*

*Joseph Marion Head, Jr.*  
(Petitioner)

DECLARATION IN SUPPORT  
OF REQUEST  
TO PROCEED  
IN FORMA PAUPERIS

*U.S.A. and N.C.*  
(Respondent(s))

I, Head, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes ☒ No ☐  
a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer.  
*To M. C. Devens Ed. Dept. Less than \$20.00  
Per month*  
b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

- |   |   |  |
|---|---|--|
| a. Business, profession or form of self-employment? | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| b. Rent payments, interest or dividends?            | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| c. Pensions, annuities or life insurance payments?  | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| d. Gifts or inheritances?                           | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| e. Any other sources?                               | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

*Gifts from Brother - Amount N/A  
Va. Check amount N/A - Prison for*

3. Do you own cash, or do you have money in checking or savings account?  
Yes ☒ No ☐ (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned. *Less than \$40.00*

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ☐ No ☒ *Ct. Denied Prior Relief*

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. *None*

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on \_\_\_\_\_ (date).

*6-7-05*  
*Joseph Marion Head, Jr.*  
Signature of Petitioner

Certificate

I hereby certify that the movant herein has the sum of \$ \_\_\_\_\_ on account to his credit at the \_\_\_\_\_ institution where he is confined.

I further certify that petitioner likewise has the following securities to his credit according to the records of said \_\_\_\_\_ institution: \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer of Institution

(Amended, effective August 1, 1982; effective December 1, 2004.)



U.S. District Court, Eastern District of Boston, Mass.  
 To File, Process, Etc. This Complaint in forma pauperis  
 Order F.M.C. Deven's Provide The Courts With My Trust Fund  
 Statement For Past Six Months or 31 years

In The United States District Court  
 For The Ma. District of Massachusetts  
Boston Division

Joseph Marion Head Jr.  
Plaintiff,  
Reg. No. 17549-056

VS

United States of America  
And Etc. Related  
Herein

Civil Case Number

Defendants

## COMPLAINT

Complaint In Forma Pauperis Or  
 On Payments Timely For Filing And For  
 Legal Assistance By Court Appointed Counsel.  
 Violations Of Amendments 5, 6, 8, 14, Etc. Asserted Herein.

Jurisdiction

The Court has jurisdiction herein pursuant  
 to the provisions of law and constitution  
 as legally applies herein and as may  
 be legally applied hereto.

Plaintiff

Plaintiff herein is, Joseph Marion Head Jr.  
Reg. No. 17549-056, who is a federal

## Complaint Page No. 2

✓ state —, prisoner, presently housed in  
 N-15 Cell 524 Fed. Med. Center Devens - Post Office  
 Box 879 Ayer - Massachusetts - 01432  
 in the custody of the Warden thereof,  
 who is, David L. Winn, also in the  
 custody of the United States Attorney General.

## Defendants

Defendants herein are as listed below

1- United States of America And The  
 States Thereof, Liable Herein And Relating  
 Hereto, And The Governments Employees  
 Is Of Defendants Aforesaid, Liable Here  
 in And Relating Hereto As Determined  
 By The Courts and Judges Therefore.

2- Defense Counsel, See Ct. Records  
 Who was plaintiffs defense counsel  
 in case number, 4-98-CR-102 73CR5057,  
 74CR2403 74CR2403A  
 at trial and on appeals

3- Name, Shenia Marie Griffin, Title, State Witness, Head's  
 Cases Address, See Ct Records

(4) Name, Paul Arnold Cooper, Title, State Witness Head Case  
 Address, See Court Records

## Complaint Page No. 5

### Around No. 2

The Government's Attorneys Failed To Timely Prove that plaintiff's federal convictions was legal and valid, to include as to the reasons of each juror for their verdicts of guilty. Therefore the sentences is illegal, invalid or unconstitutional.

### BACKGROUND

Background Of Plaintiff And His Prison And Court Records And All Related And Asserted And Asked For And Demanded Therein And Relating Thereto. See all known prison and court records relating to Plaintiff and His court cases as if same was stated herein, in proper order and form of same.

### RELIEF

Plaintiff Demands The Relief Listed Herein Below, By Plaintiff Pro Se.

- 1- Leave to proceed in forma pauperis or in payments for cost of filing and for legal assistance, etc.
- 2- The maximum criminal and civil and tort and S.S., S.S.I. and V.A. Benefits and Relief And Release Authorized, Required and Entitled by law, constitution and by Human Rights, Etc. As Legally Applies.



## Complaint Page No. 6

3- Subpoena's Issue To The Below Listed

1- Each Governmental Employee Relating  
To Head's Cases Etc.

2- William A. Brown - Attorney At Law  
Boston - Ma,

3- Each X-Governmental Employee  
Relating To Head's Cases.

Signed, Joseph Marion Head Jr. Reg. No. 17549-056  
Date Signed 8 day of June 2005,  
Address, N-5 Cell 5 24 S. M.C. Devens, Post  
office Box 879 - Ayer - Ma. 01432

## Certification of Service

I, Joseph Marion Head Jr. Reg. No. 17549 056  
States that on the 8 day of 6 2005  
I sent the original of the foregoing complaint  
to the United States District Court, Address,  
C/O U.S. Ct. App. 1 St. Cir  
No Copies Was Made Nor Sent To Ct. Etc..  
and two copies therewith. I also sent  
a copy to the United States Attorney General  
, United States Department of Justice, Wash  
ington, D.C. 20530, on the day of  
200 by placing all aforeside in legal mail  
Box at  
Signed, Joseph Marion Head Junior D.A. E-8 2005

~~Amendment 3~~ (2)  
~~Violation~~ of the 5 and 14th. Amend,  
to the U.S. Const. The Government,  
Attorneys, Judges, Defense Counsel,  
Failed to timely assert that the  
Constitution amendment 5 and 14  
was violated and the defendant's  
rights was violated, based on the  
the related and asserted on the  
back side heret, this paper and by  
not timely asserting the illegal sentence  
on their own action, etc. File 21 U.S.  
851 and Amend. 5, 6, 8, 14,  
1

~~Paragraph 5~~ (b) Amendment 5 and 14 the  
provision at Amendment 5 failed to legally  
incorporate Attorney General's prior convictions  
into the defendant's prior convictions  
legal and valid and final, proper to  
having some to the defendant's prior  
to obtain an illegal upward depart  
ure and greater sentence and prior  
to illegally enhancing the defendant's  
sentence, sentence and enhancement  
upward departure and final, final,  
must be based, legal, valid, final,  
convictions, in order to be legal,  
file 21 U.S.C. 851 and sub sec.,



Who and What Can and Could Have Put it in  
 and did not, to assert violations of the  
 Constitution and Head's rights and privileges  
 of Head's and others.

See all prison and court records  
 relating to Head from 1965 forward

Per each mens Rea, as applies.

Afforaid, Head Demands At least

One Million Dollars Tax Free, 42

U.S.C. 1981, 1983, 1984, 1985(3) 1986

28 U.S.C. 1331, 1341, 1342, 1343

Etc as applies, 2255, 2241, 2254

U.S. Ct. App., 1st. Cir. - Re: Head-  
Appellant - Case No. 05-1048-1049-  
1050 Etc. Relating thereto.

See the claim on the back side hereof  
that applies to the aforesaid and etc.  
relating to Head, prior, present, etc.  
from 1965 Forward, State  
and Federal, Etc. As known.

Joseph Marion Head Junior 6-7-05  
Reg. No. 17549-056